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C O N F I D E N T I A L SECTION 01 OF 02 COLOMBO 001244

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DEPARTMENT FOR SA, SA/INS, DRL, DRL/IRF
NSC FOR E. MILLARD
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E.O. 12958: DECL: 07-27-14

TAGS: PHUM PREL KIRF CE

SUBJECT: Monk MP's anti-conversion bill begins trek in Parliament; Buddhist Affairs Minister's bill in draft

Refs: (A) Colombo 1070, and previous

(U) Classified by Ambassador Jeffrey J. Lunstead.
Reasons 1.5 (b,d).

1. (C) SUMMARY: A JHU MP presented a private member's bill on anti-conversion to Parliament on July 21. This began a many-month process of debate and legal editing before a potential vote on the draft legislation by Parliament. Several groups have already submitted Supreme Court petitions challenging the JHU's bill. The Buddhist Affairs Minister's own anti-conversion bill is still in the midst of being drafted and may also take several months before it could receive GSL-wide approval. It would be presented to Parliament if the Cabinet agrees on the draft bill. Both bills have a long way to go before any eventual vote in Parliament, treks likely made lengthier by the public and legal debates which seem to continuously increase in volume. END SUMMARY.

JHU anti-conversion bill in Parliament

2. (C) Ven. Omalpe Sobitha Thero, a Buddhist monk MP from the Jathika Hela Urumaya (JHU) party, presented a draft "anti-conversion" bill to Parliament on July 21. The bill had been officially gazetted (published) at the end of May 2004 -- see Reftels. In a July 26 meeting with poloff, the GSL's Legal Draftsperson Teresa Perera explained the lengthy process that a private member's bill must undergo before it potentially becomes law. The formal July 21 presentation to Parliament was the first step. Thereafter, the bill is taken up by a ministry -- the Buddhist Affairs Ministry in this case -- which then must report on it to Parliament. The bill and the ministerial report are then forwarded to the Legal Draftsperson's office, which evaluates the constitutionality of the bill, edits it, and suggests any appropriate amendments. The revised draft bill goes through the Attorney General's office before being presented to Parliament for the second reading and debate. During the second reading, the Parliament should come to consensus on the details of the bill and any suggested changes or amendments. At the third parliamentary reading of the bill, all changes should have been incorporated and Parliament votes on the bill. If it passes, it then becomes an Act of Parliament.

3. (C) Ms. Perera explained that while the whole process can take as little as one month, given the widely recognized public debate on this subject, it is likely that it could take three to six months before reaching Parliament for a vote. Even then, other interlocutors have said that there are alternative methods, including parliamentary procedural ones, to keep the bill from getting to the floor for a vote.

Legal opposition to JHU bill begins

4. (C) Within seven days of the presentation of a private member's bill in Parliament, the Constitution allows opponents to file any legal challenges to the proposed legislation. As of late July 26, several groups had filed petitions against the draft JHU bill in the Supreme Court with a few more petitions expected by the July 27 deadline. The National Christian Evangelical Alliance of Sri Lanka filed a petition, as did their General Secretary who filed as a private citizen. Among others, the Civil Rights Movement, the National Christian Council, and the Center for Policy Alternatives also have filed challenges to the bill. There are additional individual petitions as well. The Roman Catholic Church has not filed a petition, but it is expected that either the church or noted figures within the church will present such a petition by July 27. According to Ms. Perera, her office will await the Supreme Court rulings on these petitions before finalizing the draft bill and sending it to the Attorney General for approval.

Ministerial anti-conversion bill in draft stage

15. (C) While the JHU bill was submitted to Parliament as a private member's bill, the GSL is separately pursuing its own official anti-conversion legislation. Ms. Perera provided an update on the status of this bill, which came to her office after Buddhist Sasana (Affairs) Minister Ratnasiri Wickremenayake presented it to the Cabinet on June 16. Elaborating, Ms. Perera said the bill is being drafted by her office in conjunction with the Buddhist Affairs Ministry. It would also go through the Attorney General's office for approval before returning to the Cabinet. Asked if the bill being drafted was based on Wickremenayake's version, Ms. Perera called that a "secret," stating it was inappropriate for her office to comment on the content of any bill being drafted.

16. (C) As with any government bill, Ms. Perera explained that once the Cabinet is satisfied with the draft legislation, it is then gazetted and presented to Parliament. The final step of a government bill -- parliamentary presentation -- is the opposite of a private member's bill, in which the reading in Parliament comes first. Ms. Perera thought that the government's anti-conversion bill could take two to three months before reaching Parliament -- assuming it receives Cabinet approval.

17. (C) Within the government, support for the bill is divided. Wickremenayake is a proponent of the bill and was recently quoted as saying such legislation was not confined to (protecting) Buddhists and would "enhance the freedom of worship of one's religion." Jeyaraj Fernandopulle, Minister of Trade, Commerce, and Consumer Affairs, has been equally vocal about his opposition to the bill. While Christian Affairs Minister Milroy Fernando expressed concern over the JHU anti-conversion bill, he has not made public his views on the ministerial bill.

Comment

18. (C) Both bills have a long way to go before any eventual vote in Parliament. It seems each bill's trek has been lengthened by the public and legal debates which continuously increase in volume. Christian and other groups have already opposed the JHU bill and are likely to do the same with the ministerial bill when the opportunity arises -- if it receives Cabinet approval and is gazetted. There is no indication how the Supreme Court might rule on the recently submitted objections to the JHU bill. In the last two years, however, the Supreme Court has ruled against Christian groups in several cases, upholding Buddhism's "foremost place" in the Constitution. Even if the bills survive legal challenges, it is not clear if either will make it to the floor of Parliament for a vote. Even if one or both does, passage is not guaranteed, for several reasons. The government does not have a majority, and would need opposition votes. Moreover, the government itself is divided, and some GSL MPs might vote against. The position of the main opposition United National Party is not yet clear.

19. (C) COMMENT Cont: President Kumaratunga has personally told the Ambassador that she opposes such a bill. Nonetheless, she is desperate to obtain a majority in Parliament. If the price of JHU support for her government -- which would give her that majority -- was her support for an anti-conversion bill, she might be tempted. END COMMENT.

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